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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

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9 STEVEN FLOYD VOSS,

Case No. 3:16-cv-00660-MMD-WGC

10 Petitioner,

ORDER

11 v.

12 ISIDRO BACA, *et al.*,

13 Respondents.

14 Petitioner has filed a petition for a writ of habeas corpus. The court has reviewed
15 it under Rule 4 of the Rules Governing Section 2254 Cases in the United States District
16 Courts. Petitioner needs to show cause why the court should not dismiss this action as
17 a second or successive petition.

18 Petitioner challenges the validity of the judgment of conviction in *State v. Voss*,
19 Case No. CR97-2077, in the Second Judicial District Court of the State of Nevada.
20 Petitioner challenged the same judgment of conviction in *Voss v. Baca*, Case No. 3:15-
21 cv-00183-HDM-VPC. The court dismissed that action because it was untimely pursuant
22 to 28 U.S.C. § 2244(d). Petitioner appealed that dismissal. Both this Court and the Court
23 of Appeals for the Ninth Circuit denied a certificate of appealability.

24 “[D]ismissal of a section 2254 habeas petition for failure to comply with the statute
25 of limitations renders subsequent petitions second or successive for purposes of . . . 28
26 U.S.C. § 2244(b).” *McNabb v. Yates*, 576 F.3d 1028, 1030 (9th Cir. 2009). Petitioner
27 must first obtain authorization from the court of appeals before this Court can consider
28 his petition. 28 U.S.C. § 2244(b)(3). Nothing in the documents that petitioner has filed

1 indicates that he has received such authorization.

2 Petitioner will need to show cause why the Court should not dismiss this action as
3 a second or successive petition under 28 U.S.C. § 2244(b). The showing of cause must
4 be one thing only: authorization from the United States Court of Appeals for the Ninth
5 Circuit to file a second or successive petition. The Court will not entertain any arguments
6 why it should consider the petition absent that authorization because petitioner needs to
7 make those arguments to the court of appeals, not this Court, in his application for
8 authorization.

9 It is therefore ordered that petitioner will have thirty (30) days from the date of entry
10 of this order to show cause why this action should not be dismissed as a second or
11 successive petition. Failure to comply will result in the dismissal of this action.

12 It is further ordered that the clerk add Adam Paul Laxalt, Attorney General for the
13 State of Nevada, as counsel for respondents.

14 It is further ordered that the clerk electronically serve upon respondents a copy of
15 the petition and this order. Respondents' counsel must enter a notice of appearance
16 herein within twenty (20) days of entry of this order, but no further response is required
17 from respondents until further order of the Court.

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19 DATED THIS 26th day of April 2018.



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21 MIRANDA M. DU
22 UNITED STATES DISTRICT JUDGE
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